

## REMARKS

Claims 1-25 were originally for examination in this application. New claim 40 has been added, and claims 26-39 have been canceled.

### Restriction Requirement

Response to the restriction requirement mailed on January 28, 2005, Applicants hereby elect the invention of Group I, method of claims 1-25 and 40, without traverse. Non-elected claims 26-39 have been canceled. This election is made without prejudice to Applicants' right to file divisional applications directed to the non-elected inventions.

### Election of Species Requirement

Response to the election of species requirement in connection with Group I, Applicants hereby elect species A-1, B-1, C-2, D-2, E-1, F-1 covered by claims 1-25 and claim 40. Applicants' election is made without prejudice. As noted by the Examiner, upon allowance of the generic claim, Applicants will be entitled to consideration of claims to additional species which are written independent form or otherwise include all the limitations of the generic claim as provided by 37 CFR 1.141. At this time, claim 40 is believed to be generic.

The Applicants' election is list in the following table:

Groups	Elected Species	Figure	Claims
A. stress type for the first dielectric layer	A-1 tensile stress	Figure 1B	Claims 1-25, claim 40
B. removing a portion of first dielectric layer	B-1 from PMOS device region	Figure 1C	Claims 1-25, claim 40
C. stress type for the second dielectric layer	C-2 compressive stress	Figure 1D	Claims 1-25, claim 40

D. removing a portion of the second dielectric layer	D-2 from NMOS device region	Figure 1E	Claims 1-25, claim 40
E. material for the first dielectric layer	E-1 silicon nitride	Figure 1B	Claims 1-25, claim 40
F. material for the second dielectric layer	F-1 silicon nitride	Figure 1D	Claims 1-24, claim 40

A prompt and favorable action on the merits of this application is now respectfully requested.

No fee is believed to be due in connection with this amendment and response. If, however, any fee is deemed to be payable, you are hereby authorized to charge any such fee to Deposit Account No. 20-0778.

Respectfully submitted,



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